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8 **UNITED STATES DISTRICT COURT**

9 **Northern District of California**

10 Bath, 07-03521 JW

11 Plaintiff(s), **NOTICE RE: NONCOMPLIANCE**  
12 v. **WITH COURT ORDER**

13 Potter,

14 Defendant(s).  
15

16 The parties have failed to file an ADR Certification and either a Stipulation and  
17 [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone  
18 Conference as required by the Initial Case Management Scheduling Order. Counsel  
19 shall Meet and Confer forthwith in an attempt to agree on an ADR process for this  
20 matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file  
21 an **ADR Certification** and either 1) a **Stipulation and [Proposed] Order Selecting**  
22 **ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b),  
23 ADR L. R. 3-5(b) Civil L.R. 16-8(c), ADR L. R. 3-5(c), (d)). (These forms are available  
24 at [www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov).)

25  
26 Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a  
27 copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax  
28 (415-522-4112), hand delivery (ADR Program, USDC, Northern District of California,

1 450 Golden Gate Avenue, 16<sup>th</sup> Floor, San Francisco, California), or by PDF attachment  
2 to an e-mail directed to [adr@cand.uscourts.gov](mailto:adr@cand.uscourts.gov).

3  
4 It is the responsibility of counsel to schedule an ADR Phone Conference, if  
5 required, to occur before the Case Management Conference.  
6  
7

8 Dated: January 8, 2008

9 RICHARD W. WIEKING  
10 Clerk  
by: Timothy J. Smagacz

11 

12 ADR Administrative Assistant  
13 415-522-4205  
Tim\_Smagacz@cand.uscourts.gov

**PROOF OF SERVICE**

Case Name: Bath v. Potter

Case Number: 07-03521 JW

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

ADR Program  
United States District Court  
Norther District of California  
450 Golden Gate Avenue Floor 16  
San Francisco, CA 94102

On January 8, 2008, I served a true and correct copy of:

**Notice Re: Noncompliance With Court Order**

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

Israel Gaxiola Ramirez  
Israel Ramirez, Esq  
653 North San Pedro Street, Suite C  
San Jose, CA 95110  
azlawcat@hotmail.com

James A. Scharf  
Office of the United States Attorney  
150 Almaden Blvd., Suite 900  
San Jose, CA 95113  
james.scharf@usdoj.gov

[ ] by Facsimile, I caused said documents to be transmitted to the following parties by fax machine:

[ ] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 8, 2008 in San Francisco, California.

RICHARD W. WIEKING

Clerk

by: Timothy J. Smagacz



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ADR Administrative Assistant

415-522-4205

Tim\_Smagacz@cand.uscourts.gov